

Notice of Allowability

Application No.

09/748,654

Examiner

Thomas M. Ho

Applicant(s)

CROMER ET AL.

Art Unit

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 4/1/05.
2. ☒ The allowed claim(s) is/are 17-34.
3. ☒ The drawings filed on 22 December 2000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 12/22/00
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.



1. *Claims 17-34 are pending.*

Reasons for Allowance

It should be noted with particular importance that the Examiner has considered the invention at hand in the specific context of a single computer such as that shown in a personal computer. To this effect, the Applicant has recited in the specification, (page 10, lines 24-30) and (page 11, et seq) depicts only a single computer. Applicant has specifically mentioned both in the claims and specification that the digital certificate is for the particular use for the authentication of operations internal to a computer system. While, the term "computer system" is easily generalized to substantially equate to a "computer network", the Applicant in the citation mentioned above, as well as in the abstract, the claims, and figures 1&2, make it particularly clear that the context established is to be within a single computer unit. Because claims are to be interpretation in light of the specification, the Examiner has not sought to force the much broader interpretation (in the context of this particular art) of equating a computer system to a computer network.

In this particular context, no art has been found to read on the recited claims. The structure of the claims presented show that claim set 23-28 and 29-34 are substantially similar to claims 17-22 respectively and may be rejected for the same reasons. However, no prior art, nor motivation to combine has been found for the broadest independent claims.

The closest art found, Arnold, US patent 6175924 discloses a method for certifying the authenticity of programs or software within a particular computer unit. While this reference, like

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the applicant's invention, discloses the use of a master key pair, the creation of a separate authentication code, and the use of digital signatures and digital certificates, no disclosure can be found for

- Means for generating a user prompt for said authentication code in response to a receipt of said request to generate said digital certificate;
- Means for receiving a reply from a user in response to a generation of said user prompt.
- Said digital certificate comprises data specifying a second public key of a target key pair.

Applicant has argued on Arguments (page 12, 2nd paragraph) reply to office action of 1/31/05 that Arnold fails to teach a second distinct key pair. Applicant is correct in this assertion in light of such an interpretation. It should be made to note then that future interpretations of the claims should require the first and second key pairs to be distinct entities.

For these reasons, the Examiner has held claims 17-34 as allowable over the prior art.

Conclusion

2. Any inquiry concerning this communication from the examiner should be directed to Thomas M Ho whose telephone number is (571)272-3835. The examiner can normally be reached on M-F from 9:30 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory A. Morse can be reached on (571)272-3838.

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The Examiner may also be reached through email through Thomas.Ho6@uspto.gov

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571)272-2100.

General Information/Receptionist	Telephone: 571-272-2100	Fax: 703-872-9306
Customer Service Representative	Telephone: 571-272-2100	Fax: 703-872-9306

TMH

February 26th, 2005


GILBERTO BARRON JR.
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